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HOUSE BILL 179

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Jeff Steinborn

AN ACT

RELATING TO TAXATION; EXPANDING THE RURAL HEALTH CARE
PRACTITIONER TAX CREDIT TO PROVIDE AN INCOME TAX CREDIT FOR
PRACTITIONERS IN COUNTIES WITH A POPULATION OF THREE HUNDRED
THOUSAND OR LESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-2-18.22 NMSA 1978 (being Laws 2007,
Chapter 361, Section 2) is amended to read:

"7-2-18.22. TAX CREDIT--RURAL HEALTH CARE PRACTITIONER
TAX CREDIT.--

A. A taxpayer who files an individual New Mexico
tax return, who is not a dependent of another individual, who
is an eligible health care practitioner and who has provided
health care services in New Mexico in a rural health care
underserved area in a taxable year, may claim a credit against

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1 the tax liability imposed by the Income Tax Act. The credit
2 provided in this section may be referred to as the "rural
3 health care practitioner tax credit".

4 B. The rural health care practitioner tax credit
5 may be claimed and allowed in an amount that shall not exceed
6 five thousand dollars (\$5,000) for all eligible physicians,
7 osteopathic physicians, dentists, clinical psychologists,
8 podiatrists and optometrists who qualify pursuant to the
9 provisions of this section, except the credit shall not exceed
10 three thousand dollars (\$3,000) for all eligible dental
11 hygienists, physician assistants, certified nurse-midwives,
12 certified registered nurse anesthetists, certified nurse
13 practitioners and clinical nurse specialists.

14 C. To qualify for the rural health care
15 practitioner tax credit, an eligible health care practitioner
16 shall have provided health care during a taxable year for at
17 least two thousand eighty hours at a practice site located in
18 an approved, rural health care underserved area. An eligible
19 rural health care practitioner who provided health care
20 services for at least one thousand forty hours but less than
21 two thousand eighty hours at a practice site located in an
22 approved rural health care underserved area during a taxable
23 year is eligible for one-half of the credit amount.

24 D. Before an eligible health care practitioner may
25 claim the rural health care practitioner tax credit, the

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1 practitioner shall submit an application to the department of
2 health that describes the practitioner's clinical practice and
3 contains additional information that the department of health
4 may require. The department of health shall determine whether
5 an eligible health care practitioner qualifies for the rural
6 health care practitioner tax credit and shall issue a
7 certificate to each qualifying eligible health care
8 practitioner. The department of health shall provide the
9 taxation and revenue department appropriate information for all
10 eligible health care practitioners to whom certificates are
11 issued.

12 E. A taxpayer claiming the credit provided by this
13 section shall submit a copy of the certificate issued by the
14 department of health with the taxpayer's New Mexico income tax
15 return for the taxable year. If the amount of the credit
16 claimed exceeds a taxpayer's tax liability for the taxable year
17 in which the credit is being claimed, the excess may be carried
18 forward for three consecutive taxable years.

19 F. As used in this section:

20 (1) "eligible health care practitioner" means:

21 (a) a certified nurse-midwife licensed
22 by the board of nursing as a registered nurse and licensed by
23 the public health division of the department of health to
24 practice nurse-midwifery as a certified nurse-midwife;

25 (b) a dentist or dental hygienist

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1 licensed pursuant to the Dental Health Care Act;

2 (c) an optometrist licensed pursuant to
3 the provisions of the Optometry Act;

4 (d) an osteopathic physician licensed
5 pursuant to the provisions of Chapter 61, Article 10 NMSA 1978
6 or an osteopathic physician assistant licensed pursuant to the
7 provisions of the Osteopathic Physicians' Assistants Act;

8 (e) a physician or physician assistant
9 licensed pursuant to the provisions of Chapter 61, Article 6
10 NMSA 1978;

11 (f) a podiatrist licensed pursuant to
12 the provisions of the Podiatry Act;

13 (g) a clinical psychologist licensed
14 pursuant to the provisions of the Professional Psychologist
15 Act; and

16 (h) a registered nurse in advanced
17 practice who has been prepared through additional formal
18 education as provided in Sections 61-3-23.2 through 61-3-23.4
19 NMSA 1978 to function beyond the scope of practice of
20 professional registered nursing, including certified nurse
21 practitioners, certified registered nurse anesthetists and
22 clinical nurse specialists;

23 (2) "health care underserved area" means a
24 ~~[geographic area or practice location in which it has been~~
25 ~~determined by the department of health, through the use of~~

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1 ~~indices and other standards set by the department of health,~~
2 ~~that sufficient health care services are not being provided]~~
3 medically underserved area or medically underserved population
4 as designated by the federal department of health and human
5 services' health resources and services administration;

6 (3) "practice site" means a private practice,
7 public health clinic, hospital, public or private nonprofit
8 primary care clinic or other health care service location in a
9 health care underserved area; and

10 (4) "rural" means an area or location
11 ~~[identified by the department of health as falling outside of~~
12 ~~an urban area]~~ within a county with a population of three
13 hundred thousand or less as of the last federal decennial
14 census."